



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: IC-93-3 Date: 3/3/93

METHANOL FOUND IN WINE IN ARGENTINA

Importers, Wholesalers, and Others Concerned:

PURPOSE. The purpose of this industry circular is to advise importers and wholesalers of precautionary guidelines which should be followed in connection with Argentine wines held by such permittees.

BACKGROUND. In February 1993, the Bureau of Alcohol, Tobacco and Firearms (ATF) received initial information from news sources, which was subsequently confirmed by the United States Embassy in Argentina and by the Argentine Embassy in the United States, that some wines produced in Argentina were found to contain methanol. Deaths and injuries resulted in Argentina from the consumption of the wine containing methanol. Later communiques from the Argentine Government have indicated that none of the wine laced with methanol was shipped into the United States. At this time, preliminary testing by the ATF National Laboratory has not detected hazardous levels of methanol.

The Food and Drug Administration (FDA) has set a safe level of methanol at 0.1 percent of methanol by volume in wine. Any wine containing methanol in excess of this amount is deemed adulterated pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 342(a)(2)(C) and 348.

Wines containing methanol in excess of 0.1 percent by volume do not conform to the standard of identity for wine. A wine which has received an approved certificate of label approval (COLA) but which is subsequently found to contain methanol in excess of 0.1 percent by volume is no longer considered covered by the approved COLA because the product is, in fact, different from the product which was approved. ATF could not approve a COLA for such wine because the wine is deemed an adulterated product under the Federal food and drug laws. Additionally, grape wine containing methanol in excess of 0.1 percent by volume does not conform to the standard of identity for grape wine as prescribed in 27 C.F.R. § 4.21(a) and is not eligible for a COLA covering grape wine.

ACTION. Importers and wholesalers who have any Argentine wines in inventory are advised to test these wines immediately for the presence of methanol. Importers should also test all future shipments of Argentine wines for methanol until this industry circular is rescinded. These shipments may be released from Customs custody before testing where the importer wants to conduct the tests while the wine is in its inventory.

The testing should be conducted for each particular Argentine brand carried by the permittee, and should be conducted by a qualified laboratory which follows Association of Analytical Chemist testing protocols for methanol. A testing protocol is available from the Special Programs Branch (CO), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226. The test results should be retained as a record at the permittee's premises and a copy should be mailed to the Special Programs Branch (CO).

If the test results disclose more than 0.1 percent by volume of methanol, the permittee should contact the Special Programs Branch (CO) at (202) 927-8120, for advice and other procedures to follow.

ATF is not prohibiting the distribution of any Argentine wine prior to testing. However, if any untested wine is later found to have been adulterated, it will be deemed mislabeled in violation of the Federal Alcohol Administration Act. ATF will consider the failure to have tested such products to be plain indifference or intentional disregard to the requirements of law and, therefore, the basis for finding a willful violation of the Act. A willful violation of the Act exposes the permittee to suspension or revocation of its basic permit.

ATF is testing, on a random basis, Argentine wine in the United States market for methanol. Should subsequent testing by ATF indicate the presence of methanol in excess of 0.1 percent by volume, ATF will take enforcement action against such wines based on the ATF analysis regardless of any commercial laboratory analysis report for the wine in question.

These guidelines are effective until ATF rescinds this industry circular.

INQUIRIES. Inquires concerning this industry circular should refer to its number and be directed to the Special Programs Branch (CO), at the above address.

Daniel R. Black
Acting Director

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Special Programs Branch, Rm 5400
Washington, DC 20226

Official Business
Penalty for Private Use, \$300

FIRST CLASS MAIL
POSTAGE & FEES PAID
Alcohol, Tobacco and
Firearms
Permit No. G-86